IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 10817 of 2004

Between:

1 K.Surya Rao, S/o.Late Rattaiah,
R/o.Surapuvari Gudem Village, Buttaigudem Mandal,
W.G.Dist.
2 K.Ammiraju, S/o.Late Rattaiah,
R/o.Surapuvari Gudem Village, Buttaigudem Mandal,
W.G.Dist.

..... PETITIONERS

AND

1 The Superintendent of Police, at Eluru, W.G.Dist.
2 The Mandal Revenue Officer,,Buttaigudem Mandal, W.G.Dist.
3 The S.H.O.,Buttaigudem Police Station, W.G.Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus; declare the action of the respondents 2 and 3 for not initiating action for preventing the trespassers from entering into the lands of petitioners in R.S.No.269/3 for an extent of Ac.9.42 cents and declare the action of the 3rd respondent in not giving protection for the lives and properties of the petitioners is illegal, arbitrary and violative of principles of natural justice and also violation of Art. 14, 21 and 300(A) of the constitution of India and consequently direct the respondents to give protection to the petitioner's lives and properties of the petitioners.

Counsel for the Petitioner:MR.P.JAGADISH CHANDRA PRASAD

Counsel for the Respondents: GP FOR HOME

The Court at the stage of admission made the following O R D E R:

The petitioners seek a writ of Mandamus declaring the alleged action of respondents 2 and 3 in not initiating any action preventing the trespassers from entering into the lands of the petitioners in R.S.No.269/3, as arbitrary and illegal.

In the affidavit filed in support of the writ petition, it is pleaded that the petitioners have been in continuous possession and enjoyment of the agricultural lands to an extent of AC.9.42 cents situated in R.S.No.269/3 of Surpuvarigudem, Buttaigudem Mandal, W.G. District which is notified as scheduled area. It is also claimed that they were granted ryotwari pattas and that they have raised Cotton and Paddy crops in the said land. It is alleged that the tribals of the area have been high-handedly interfering with the possession of the petitioners in respect of the lands in question. In the circumstances, they have filed W.P.No.22346 of 2002 which was disposed of by this Court by order dated 08-11-2002 permitting the petitioners to submit necessary representation to the respondents 1 and 2 whenever they apprehend any threat to their possession, in which event the respondents 1 and 2 shall examine the same and extend necessary protection as is admissible under law. In pursuance thereof, the petitioners approached the Deputy Superintendent of Police and thereafter there was no interference by the tribals. However, on 15-06-2004 they lodged a complaint with the respondents stating all the facts and requesting to provide protection. However, there was no response. Hence, this writ petition.

The third respondent-Station House Officer, Buttaigudem Police Station, West Godavari District filed a counter-affidavit stating that there was no interference by the tribals into the lands of the petitioners and that it is incorrect to state that the petitioners have approached the third respondent, after disposal of W.P.No.22346 of 2002 dated 08-11-2002. It is further stated that on receipt of a representation from the first petitioner, the same was forwarded to the second respondent-Mandal Revenue Officer, Buttaigudem Mandal, West Godavari District for verification of title and possession and on enquiries, it was found that the alleged incident is false and no

person tried to interfere with the possession and enjoyment of the lands of the petitioners at any point of time. The allegations made by the first petitioner in his representation dated 22-06-2004 were found to be false and baseless during the said enquiry and therefore, the question of providing police protection to the petitioners does not arise.

From the averments in the counter-affidavit, it is clear that the representation dated 22-06-2004 made by the first petitioner has already been duly enquired into by the third respondent. In the circumstances, the relief as prayed for, cannot be granted.

Accordingly, recording the statement of the third respondent in the counter-affidavit, the writ petition is closed granting leave and liberty to the petitioners to institute fresh proceedings in accordance with law in case necessity thereof arises. No costs.

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03-11-2004

kdl

To

1 The Superintendent of Police, at Eluru, W.G.Dist.
2 The Mandal Revenue Officer,,Buttaigudem Mandal, W.G.Dist.
3 The S.H.O.,Buttaigudem Police Station, W.G.Dist.

4 Two C.Cs to the Government Pleader for Home, High Court of

A.P. Buildings, Hyderabad. (OUT)

5 Two C.D copies